IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

LA. App. No. 1174 of 2002(C)

LAR. 59/1998 of PRL.SUB COURT,KOTTAYAM
.....

APPELLANT/RESPONDENT:

STATE OF KERALA.

BY SRI. RAJAN JOSEPH, ADDL.A.G.
GOVERNMENT PLEADER SRI. K.V. MANOJ.

RESPONDENT/CLAIMANT:

CHANDRASEKHARAN NAIR, MANIMALA VEETTIL,
MARANGOLI NJEEZHOOR VILLAGE, VAIKOM.

BY ADV. SRI. MATHEW J. NEDUMPARA
SRI. BIMAL K. NATH

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 13/09/2007 ALONG WITH LAA NO. 1361 OF 2003, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 1174 OF 2002 &
L.A.A. NO. 1361 OF 2003

Dated this the 13th day of September, 2007.

J U D G M E N T

Kurian Joseph, J.

These are appeals filed by the State as well as the claimant against the judgment and decree in L.A.R. No. 59/1998 on the file of Principal Sub Court, Kottayam. Acquisition is for the purpose of Muvattupuzha Valley Irrigation Project.

2. It is seen that the enhancement is only upto 60% over the value fixed by the Land Acquisition Officer. It is brought to our notice that in several cases this Court has sustained such fixation by granting enhancement at the rate of 60%. Therefore, the appeal filed by the State is dismissed.

3. In the appeal filed by the claimant, the grievance is only with regard to disallowance of statutory interest. Being a settled position, we hold that the appellant-claimant shall be entitled to interest on solatium also and all other statutory benefits. The judgment and decree will stand modified to the above extent. The appeal is partly allowed.

KURIAN JOSEPH,
JUDGE

HARUN-UL-RASHID,
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NO. 1174 OF 2002
&
L.A.A. NO. 1361 OF 2003

J U D G M E N T

13.09.2007